

A0-3

The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

AO-1983-03

March 14, 1983

Mr. James B. Purcell
61 Forest Street
Oxford, MA 01540

Dear Mr. Purcell:

Thank you for your recent letter to Mr. Carli of this office in which you ask whether you may, as a municipal employee run for public office. In addition, you inquire as to the limitation on your activity relative to the solicitation of funds for yourself and other political candidates.

M.G.L. c. 55, the law which this office is statutorily empowered to administer does not prohibit you from seeking public office. However, section 13 states that "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever..." Thus, you may not solicit funds for yourself or any other candidate, or for any political purpose.

This section further states that;

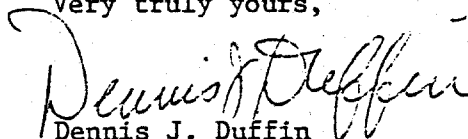
"The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility."

Mr. James B. Purcell
March 14, 1983
Page Two

You may, therefore, be a candidate for public office and a political committee may solicit funds on your behalf. However, the solicitation of those political contributions is limited to those persons who do not have an interest in any particular matter on which you participate or have participated or which is the subject of your official responsibility.

I express no view concerning the application of any federal law to the questions presented since such issues are not within the jurisdiction of this office. Because the facts as you have stated them suggest the involvement of some federal funds in your employment. I urge that you also solicit advice from the appropriate federal authorities.

Very truly yours,


Dennis J. Duffin
Director

DJD/mam